ANDOVER BOARD OF HEALTH Minutes August 13, 2012, 6:00 P.M. CD&P First Floor Conference Room 36 Bartlet Street

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

• July 9, 2012

Motion by Ms. Martin, seconded by Ms. Kellman to approve the Minutes of the Board of Health Meeting of July 9, 2012, with the following corrections:

- ° On page 2, after 6:30 p.m. Michael Gillis for 1 Reservation Road Appeal of ORDERS (Tentative), at the end of the paragraph take out "Unanimous approval".
- ° On page 2, under III. Discussion DPH Arbovirus Surveillance Program, first sentence, change "...he received a notice from the Department of Public Health (DPH) and the program works well..." to "...he received a notice from the Department of Public Health (DPH) about their plans for mosquito surveillance and the program works well...".
- ° On page 3, under Residential Sharps Disposal Program second sentence, change "...on developing a residential sharps program..." to "...on developing a residential sharps disposal program...".
- ° On page 3, under Residential Sharps Disposal Program, at the end of the paragraph take out "Unanimous approval".
- ° On page 3, under Update on Restaurant Grading (Not on Agenda), forth sentence, change "He feels that grading would not make a big difference." To "Mr. Carbone's opinion was that grading would not make a big difference in compliance."
- On page 5, under Workshop Meeting with Health Division (In Mr. Carbone's Monthly Report), second paragraph, fifth sentence, change "Ms. Kellman stated that the staff is also hearing a lot of negative feedback." To " 'Ms. Kellman noted that the staff is also hearing a lot of negative feedback' (as discussed when going over the Notes from the Health Division Workshop Meeting that Mr. Carbone supplied in the Agenda Packet)".

Unanimous approval.

• July 26, 2012

Motion by Ms. Martin, seconded by Dr. Miller to approve the July 26, 2012 Board of Health Minutes. Unanimous Approval.

II. Appointments & Hearings

• 6:00 p.m. – Paul Salafia for Communications Discussion – Selectman Paul Salafia was welcomed by the Board of Health (BOH). Ms. Martin stated that part of their discussion had been about support to the Health Staff and BOH and how to improve communication with the Board of Selectmen (BOS) about issues that are coming up. Selectman Salafia responded that he wanted to be the liaison for the BOH because of his experience on the Planning Board, which he is the liaison to also. Ms. Martin stated that the BOH only comes to the BOS when there is an issue that needs to be dealt with. Ms. Martin thought that she could have done a better job of preparing the BOS for some of the issues brought before it by giving the Members a little more background.

Mr. Carbone explained that the Health Staff had a meeting to discuss ways to reenergize and how to get their work done more efficiently. Former Health Director, Everett Penney, Jr., attended and offered some good insight. He made the observation that a former BOH Member had relationships with many people in Town, both resident and other Boards, but now the BOH doesn't seem to have the political connections that it had in the past. The goal for inviting Selectman Salafia to this meeting was to open communications, support him, let him know what is happening in Health, and to see if there are things that he and the BOS may want to see happening with the BOH and Health Staff.

Selectman Salafia stated that receiving the BOH Minutes helps him to know what is going on and if he sees something important, that can help him make the decision to attend the BOH Meeting or to reach out to a Board Member or Mr. Carbone. This way he can be sure that when the BOH needs something, he understands why it is needed or why the Board is making certain decisions. Then he can relay what the BOS Members are thinking and hearing about what is happening in Town, and can provide positive feedback as well.

Selectman Salafia stated that one of the BOS goals this year is looking at every department and how we can try to facilitate business in Andover. As he gets to each one of the Boards that he deals with, he will give them a quick version of what the Board is trying to do. Last year the Town had \$500,000 in new growth that was not expected. One of the ways to grow the Town's tax base without having to tax more is to try to attract new business to fill empty space. The BOS wants the Town Departments to be business helpful so we can encourage business to come to Town; that is why they are putting together a "How to do Business in Andover" book. It wants to make a process that is predictable, so that when a new business comes into Town, they look at the book and know what they have to do for each Town Department.

Ms. Martin explained that the Health Division has had challenges here; it recently installed a new software system that we thought was going to save time and allow us to do some risk based inspections; instead it has not worked out that way. We have limited Staff to deal with these issues as well as working on new applications, doing inspections, etc. In addition, the Community Development & Planning Department has had a lot of turnover in staff. Selectman Salafia stated that the BOS wants us to be more helpful and

show people the way to solve problems. Then we will see benefits over time as the Town becomes more predictable and business friendly so more businesses open, and the Town can start to stabilize its tax base which is the BOS' ultimate goal. Mr. Carbone stated that he had a very positive meeting with the Economic Development Group. They are some great people in that group who are committed to making things happen and they realize that these things take time.

Ms. Martin stated that the BOH has always developed Task Forces that come through with recommendations, such as the Fish Brook Task Force. Then there was a huge milestone with plans being approved for the relocation of the Salt Shed which will hopefully be moved next Spring. Mr. Carbone then sent out letters acknowledging their efforts. Selectman Salafia asked that the BOH bring some of these things to his attention and he will pass the information along to the Selectmen.

• 6:15 p.m. – Anthony Karapatsas for Grassfields – Discussion on Grease Trap Alternatives – Anthony Karapatsas was present at the meeting. Mr. Carbone explained that he had been working with Grassfields about upgrading their grease interceptor, because there have been some problems with grease accumulating in the lines in the area of the business. A few years back, Mr. Karapatsas was going to do some major renovations, but has since changed his plans to only do some redecorating at this time. Mr. Carbone explained that when the Sewer Regulations were changed in 2008, the plan was to slowly bring people into compliance by having either an exterior or interior mechanical trap installed. In this case, neither one is cost effective or an easy solution. An exterior trap requires a lot of interior work which means cutting through slabs and there is no easy way to do it. The installation of a mechanical grease trap is also not possible due to the way equipment is installed. One thing discussed was having Mr. Karapatsas continue using his interior grease trap interceptor under certain conditions.

Motion by Ms. Martin, seconded by Dr. Miller to approve the continued use of the manually cleaned grease interceptor, subject to the following conditions:

- 1. The interior grease interceptor shall be cleaned bi-weekly.
- 2. The cleaning of the interceptor shall be documented in writing in a bound log book, kept on site for use and inspection. The log book must indicate the date the interceptor was cleaned, the approximate volume (in gallons) removed, the name of the person doing the work, and the signature of the manager on duty that documented that the work has been done.
- 3. All waste removed from the interceptor shall be disposed of in a proper manner, but in no case shall it be disposed of through the building waste lines or into the municipal sewer. Proper disposal includes being removed by a licensed septic waste hauler, or with the grease waste from cooking operations and stored in an exterior container.
- 4. If renovations of the kitchen in the future are proposed, the ability to comply with the grease trap requirements will be reviewed by Health Division staff at that time.

Unanimous approval.

6:30 p.m. - Chuck Barbato for Salvatore's Restaurant - Request for Variance to Allow Time as a Public Health Control in Lieu of Temperature Maintenance – Chuck Barbato Director of Operations, Peter Ackerman, Vice-President of Operations, and Salvatore Lupoli for Salvatore's Restaurant were present at the meeting. Mr. Carbone explained to the Board that restaurants are required to maintain food at specific temperatures - hot above 140 ° and cold below 40°, and we try to limit time in the danger zone in between as best we can. Mr. Barbato explained that they have an express line that allows patrons to come in and buy a pre-cooked slice of pizza or a calzone. The product is kept in a glass display shelf, and when the customer orders, the pizza or calzone is heated up in the oven. They also do this same procedure at their restaurant take-out service. Ms. Martin asked if they kept records of the times the product comes out of the oven, and wanted to know how they go about controlling and monitoring how long the product has been in the display case. Mr. Barbato explained that when the pizza comes out of the oven they write the time on a white board that all employees have access to. They also have a log book where they put down in pen what the pizza type was and when the pizza came out of the oven. The counter employee is responsible for that procedure. They do not allow the product to stay out over four hours. Dr. Miller asked what percentage of the product that is prepared that way ends up being thrown out because they have exceeded that time limit. Mr. Barbato stated that not much is thrown out; they try to make the amount of product that will run out before the 4 hours are up. They have also used Advance Food Labs, Inc. to test the product over several hours. The Board decided to grant the Variance with conditions.

Motion by Ms. Martin, seconded by Dr. Miller, to approve the request for a Variance to allow Time as a Public Health Control in lieu of Temperature Maintenance with the following conditions:

- 1. The applicant shall work with the Health Director in making some minor clarifications to the Standard Operating Procedures (SOP) concerning how food is handled under the variance.
- 2. The variance shall be effective once the Director of Public Health has issued a written approval of the revised SOP document.
- 3. All products shall be disposed of after 4 hours' storage at room temperature.

Unanimous approval.

III. Discussion

• After Action Discussion – Mosquito Spraying – Mr. Carbone was providing feedback to how the mosquito spraying procedure went in July. Mr. Carbone stated that in order to have Town-wide reverse 911, residents have to sign up for it via the Police Department website. Since some people have registered with the "Do Not Call List", not all phone numbers are available. Ms. Martin suggested putting a notice in the Andover Townsman, and Mr. Carbone would prefer to work with Public Safety to take the lead on getting the word out on how to sign up for reverse 911. Ms. Martin also suggested getting something

on the website that people can sign up for to be notified when these types of actions are being taken. Mr. Carbone realized afterwards that he could have referred to the Emergency Dispensing Site Plan, which could have helped us to figure out how to get the message out. Ms. Martin asked about the Andover Patch, and Mr. Carbone explained that that is a web-based news center. Residents do call asking us to do nuisance spraying, but the BOH policy is that we do larvaciding instead, and only spray when the indication is that we need to do some adultaciding to prevent virus spread. Mr. Carbone stated that he thought the BOH has a very reasonable policy. It uses a scientific approach, does not use chemicals unless it has to, and has documented when it would want to do spraying. Mr. Carbone stated that one thing he was thinking about was to do a barrier spray along the athletic fields, and since we are seeing WNV activity already, it may be a good idea to spray before school opens. Ms. Martin agreed.

Motion by Ms. Martin, seconded by Ms. Kellman to approve barrier spraying of the Athletic Fields as the schedule allows by the Mosquito Control Board. Unanimous approval.

• Sharps Disposal Collection Project –Mr. Carbone stated that Joanne Martel, R.N., Assistant Health Director and Public Health Nurse and Connie Lo, our Summer Intern have been working on getting this program established. They met with Pfizer and have received money from them to buy two kiosks. They do not want their name on the kiosks, but Mr. Carbone would like to make sure they get recognition for their contribution. We plan on putting one kiosk at the Public Safety Center and one kiosk at the Senior Center. Pfizer has given us some startup costs so we will be able to buy some sharps containers that we can sell with the hope that this ends up being a self sustaining project. DPW has said they could absorb the estimated annual cost of \$1,000.00 into the solid waste budget. Ms. Martin asked if there would be any cost to the residents for this service. Mr. Carbone stated that he has been considering charging \$5 to \$10 for the sharps containers at first, but would then like this to become self sustaining without charging a fee. Dr. Miller stated that he favors not charging a fee so we can get as many people as possible to use the kiosks. Mr. Carbone stated that the DPW would take care of the costs after Pfizer provides the initial startup costs. The current plan is to start off with a staffed drop-off as part of the Fire Department's open house in October. People have been holding onto their sharps containers since the new law went into effect on July 1, 2012, and we are concerned that the kiosks would overflow during the first dropoff, so we have a contract with Waste Management to take care of the disposal that day.

IV. Old Business

• Update on the Susan Odle Property (Not on Agenda) – Ms. Martin asked if Mr. Carbone had any updates on the legal case against Ms. Odle, and Mr. Carbone replied that he was contacted by the investigator since the last meeting, but has not been able to contact the Assistant Attorney General yet. Mr. Carbone will try to get some information this week.

V. Definitive Subdivision Plans

Andover Associates @ Rolling Green (40B Project) - Mr. Carbone put this onto the Agenda just to update the Board on the activities he has had concerning this project. The expectation was that last Thursday night the Zoning Board of Appeals (ZBA) was going to close this 40B Hearing, but they did not, mainly because the Conservation Commission did not close its Hearing on Wednesday night. Mr. Carbone has been very vocal within the Staff level meetings with the proponents about protecting our drinking water supply and about not varying the sewer regulations. Ms. Martin stated that she was not familiar with the plans, but was told that they were advertised as one bedroom with a study and was told there was no control to keep that study from becoming another bedroom. So Ms. Martin questioned if the sewer was based on that fact of these being one bedroom units. Mr. Carbone stated that his understanding after talking with the Consultant for the ZBA was that it doesn't have to do with the study, but with the option of having a loft which would be an open space. That is part of the negotiations they have been having with the ZBA because the concern is if they don't go along with the open loft, the study or the loft could become a second bedroom which could potentially increase the amount of school age kids in the school system putting an extra burden on services. Mr. Carbone stated that he has been adamant that we should be going by what our Sewer Regulations are, but practically speaking, ZBA can make any decision it wants and can vary, by law, any of our local regulations. The ZBA could turn around and decide that the 40B project would not be held accountable to any Sewer Regulations. Mr. Carbone stated that one of the mitigation discussions the ZBA and the proponent had was putting approximately \$500,000 into an account for the School Department to help offset any initial costs. Municipal staff, including Health, DPW and the Water Department has been advocating for the creation of a system for pretreatment of the water coming off the IRS land, and the proponent is proposing to give us this land for this. It is the staff's hope that some of this money might be used to offset the cost of construction of such a system. Ms. Martin asked about the improvement on the drainage because it stated that the Town would take over responsibly of the polishing system after completion of the project. DPW stated that they did not want to take over the maintenance before the project is completed because if damage is done because of the construction work, we would want the owner to take care of that. From that point on we would take responsibility for the annual maintenance of it. Ms. Kellman asked for clarification on what their grounds are for asking for these waivers. Mr. Carbone explained that they don't need to have any grounds because the idea of Chapter 40B projects is to entice developers to come in, and for a certain amount of profit, put together a project that will have a mixture of market rate plus affordable units. A lot of the cost in developing any type of project are the upfront permitting costs, and a Comprehensive Permit is designed to control them. The Consultant suggested putting together some draft conditions to present to the ZBA. With this project they have been selective on what parts of the Sewer Regulations they are looking for a waiver to, but have not asked for a total waiver. They said the DEP Regulations for flow calculations are appropriate, and Mr. Carbone agrees. The State flows are 110 gallons, per bedroom, per day, while our local flow rate is 150 gallons. Ms. Martin expressed concern that if the units are changed from one to two bedrooms, the flow rate will actually be more and there is no way to control that change. Ms. Kellman asked what the consequences would be of them having an insufficient system such as

inadequate flow design. Ms. Martin stated that they could have backup onto their property. Mr. Carbone stated that our ultimate goal is to prevent the public health threat.

• The Lodge at Andover, Shattuck Road (40B Project) – The Public Hearing on this project was closed by the ZBA and Mr. Carbone did offer some comments in response to the applicant seeking a complete waiver of our local sewer regulations. These comments can be seen on page 39 of the Agenda packet of August 13, 2012.

VI. Plan Review

- DWRP Variance/Local Upgrade Approval
 - ° N/A

VII. Staff Reports

- A. Director's Reports:
 - Important Dates:
 - ° September 17th @ 6 p.m. Board of Health Meeting
 - ° October 22nd @ 6 p.m. Board of Health Meeting
 - ° October 24, 25, & 26 MHOA Conference
 - November 19th @ 6 p.m. Board of Health Meeting
- **B.** Nurses' Report for July, 2012 The Nurses' Report for July, 2012, was for informational purposes only.
- **C.** Inspectors' Reports for July, 2012 The Inspectors' Reports for July, 2012 were for informational purposes only.

VIII. Board Member Reports

• N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Dr. Miller, to adjourn at 7:30 p.m. Unanimous approval.